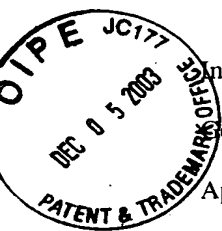


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of)
Gene G. FAISON Jr. et al.) Group Art Unit: Unassigned
Application No.: 10/648,282) Examiner: Unassigned
Filed: August 27, 2003) Confirmation No.: Unassigned
For: FLUID VAPORIZING DEVICE HAVING)
CONTROLLED TEMPERATURE PROFILE)
HEATER/CAPILLARY TUBE)

INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \$ _____ is enclosed for the fee due.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

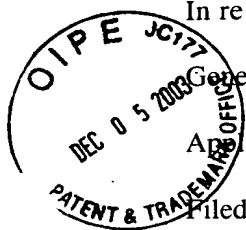
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 12/5/03

By: Peter K. Skiff
Peter K. Skiff
Registration No. 31,917

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of)	
Gene G. FAISON Jr. et al.)	
Application No.: 10/648,282)	Group Art Unit: Unassigned
Filed: August 27, 2003)	Examiner: Unassigned
)	Confirmation No.: Unassigned
For: FLUID VAPORIZING DEVICE)	
HAVING CONTROLLED)	
TEMPERATURE PROFILE)	
HEATER/CAPILLARY TUBE)	

FIRST
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information made of record in commonly owned Serial No. 09/957,026, now U.S. Patent No. 6,640,050 in conformance with 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. patents (other than U.S. Patent No. 6,640,050) and the U.S. patent application publication are not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. § 371 after June 30, 2003.

The documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b) no fee or statement is required.

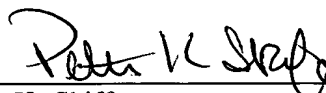
This Information Disclosure Statement contains information which is not in the English language but was cited in a search report or other action by a foreign patent office in a counterpart foreign application. In accordance with M.P.E.P. § 609A(3) an English language version of the search report or action which indicates the degree of relevance found by the foreign office is being submitted herewith.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner-initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 12/5/03

By: 
Peter K. Skiff
Registration No. 31,917

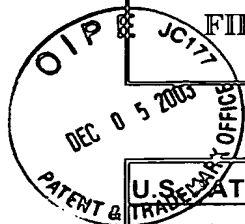
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Substitute for forms 1449A/PTO & 1449B/PTO

ATTORNEY'S DKT NO.
033018-137

APPLICATION NO.

10/648,282

APPLICANT
Gene G. FAISON Jr. et al.FILING DATE
August 27, 2003GROUP
UnassignedFIRST INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

U.S. PATENT DOCUMENTS				
Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	2,896,856	A	Kravits	07/1959
	3,084,698	A	Smith	04/1963
	3,157,179	A	Paullus et al.	11/1964
	3,162,324	A	Houser	12/1964
	3,431,393	A	Katsuda	03/1969
	3,486,663	A	Humphrey	12/1969
	3,658,059	A	Steil	04/1972
	3,716,416	A	Adlhart et al.	02/1973
	3,750,961	A	Franz	08/1973
	3,847,304	A	Cohen	11/1974
	3,859,398	A	Havstad	01/1975
	3,902,635	A	Jinotti	09/1975
	3,903,883	A	Pecina et al.	09/1975
	3,904,083	A	Little	09/1975
	3,967,001	A	Almaula et al.	06/1976
	3,987,941	A	Blessing	10/1976
	3,993,246	A	Erb et al.	11/1976
	3,995,37	A	O'Keefe	12/1976
	4,042,153	A	Callahan et al.	08/1977
	4,060,082	A	Lindberg et a.	11/1977
	4,077,542	A	Petterson	03/1978
	4,161,282	A	Erb et al.	07/1979
	4,162,501	A	Mitchell et al.	07/1979
	4,215,708	A	Bron	08/1980
	4,231,492	A	Rios	11/1980
	4,258,073	A	Payne	03/1981
	4,259,409	A	Arnold	03/1981
	4,261,356	A	Turner et al.	04/1981
	4,289,003	A	Yang	09/1981
	4,291,838	A	Williams	09/1981
	4,303,083	A	Burruss, Jr.	12/1981
	4,383,171	A	Sinha et al.	05/1983
	4,391,308	A	Steiner	07/1983
	4,395,303	A	Weir	07/1983
	4,433,797	A	Galia	02/1984
	4,471,892	A	Coleman	09/1984
	4,512,341	A	Lester	04/1985
	4,575,609	A	Fassel et al.	03/1986
	4,627,432	A	Newell et al.	12/1986

Substitute for forms 1449A/PTO & 1449B/PTO

ATTORNEY'S DKT NO.
033018-137APPLICATION No.
10/648,282FIRST INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
Gene G. FAISON Jr. et al.FILING DATE
August 27, 2003GROUP
Unassigned

U.S. PATENT DOCUMENTS

4,649,911	A	Knight et al.	03/1987
4,682,010	A	Drapeau et al.	07/1987
4,695,625	A	Macdonald	09/1987
4,700,657	A	Butland	10/1987
4,730,111	A	Vestal et al.	03/1988
4,735,217	A	Gerth et al.	04/1988
4,744,932	A	Browne	05/1988
4,749,778	A	Fukuzawa et al.	06/1988
4,762,995	A	Browner et al.	08/1988
4,764,660	A	Swiatosz	08/1988
4,776,515	A	Michalchik	10/1988
4,790,305	A	Zoltan et al.	12/1988
4,811,731	A	Newell et al.	03/1989
4,819,625	A	Howe	04/1989
4,819,834	A	Thiel	04/1989
4,829,996	A	Noakes et al.	05/1989
4,837,260	A	Sato et al.	06/1989
4,848,374	A	Chard et al.	07/1989
4,871,115	A	Hessey	10/1989
4,871,623	A	Hoopman et al.	10/1989
4,877,989	A	Drews et al.	10/1989
4,911,157	A	Miller	03/1990
4,922,901	A	Brooks et al.	05/1990
4,926,852	A	Zoltan et al.	05/1990
4,935,624	A	Henion et al.	06/1990
4,941,483	A	Ridings et al.	07/1990
4,947,875	A	Brooks et al.	08/1990
4,974,754	A	Wirz	12/1990
4,982,097	A	Slivon et al.	01/1991
4,992,206	A	Waldron	02/1991
5,021,802	A	Allred	06/1991
5,044,565	A	Alexander	09/1991
5,056,511	A	Ronge	10/1991
5,060,671	A	Counts et al.	10/1991
5,063,921	A	Howe	11/1991
5,096,092	A	Devine	03/1992
5,125,441	A	Mette	06/1992
5,133,343	A	Johnson, IV et al.	07/1992
5,134,993	A	van der Linden et al.	08/1992
5,135,009	A	Muller et al.	08/1992
5,144,962	A	Counts et al.	09/1992

Substitute for forms 1449A/PTO & 1449B/PTO

ATTORNEY'S DKT NO.
033018-137APPLICATION NO.
10/648,282FIRST INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
Gene G. FAISON Jr. et al.FILING DATE
August 27, 2003GROUP
Unassigned

U.S. PATENT DOCUMENTS

5,151,827	A	Ven et al.	09/1992
5,178,305	A	Keller	01/1993
5,184,776	A	Minier	02/1993
5,217,004	A	Blasnik et al.	06/1993
5,226,441	A	Dunmire et al.	07/1993
5,228,444	A	Burch	07/1993
5,230,445	A	Rusnak	07/1993
5,231,983	A	Matson et al.	08/1993
5,259,370	A	Howe	11/1993
5,290,540	A	Prince et al.	03/1994
5,298,744	A	Mimura et al.	03/1994
5,299,565	A	Brown	04/1994
5,322,057	A	Raabe et al.	06/1994
5,327,915	A	Porenski et al.	07/1994
5,342,180	A	Daoud	08/1994
5,342,645	A	Eisele et al.	08/1994
5,349,946	A	McComb	09/1994
5,395,445	A	Bohanan	03/1994
5,421,489	A	Holzner, Sr. et al.	06/1995
5,462,597	A	Jubran	10/1995
5,474,059	A	Cooper	12/1995
5,509,557	A	Jimarez et al.	04/1996
5,515,842	A	Ramseyer et al.	05/1996
5,522,385	A	Lloyd et al.	06/1996
5,556,964	A	Hofstraat et al.	09/1996
5,559,923	A	Robelen	09/1996
5,564,442	A	MacDonald et al.	10/1996
5,565,677	A	Wexler	10/1996
5,575,929	A	Yu et al.	11/1996
5,585,045	A	Heinonen et al.	12/1996
5,617,844	A	King	04/1997
5,642,728	A	Andersson et al.	07/1997
5,674,860	A	Carling et al.	10/1997
5,682,874	A	Grabenkort et al.	11/1997
5,706,389	A	Pohler	01/1998
5,730,158	A	Collins et al.	03/1998
5,743,251	A	Howell et al.	04/1998
5,756,995	A	Maswadeh et al.	05/1998
5,765,724	A	Amberg et al.	06/1998
5,823,178	A	Lloyd et al.	10/1998
5,839,430	A	Cama	11/1998

Substitute for forms 1449A/PTO & 1449B/PTO

ATTORNEY'S DKT NO.
033018-137APPLICATION No.
10/648,282FIRST INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
Gene G. FAISON Jr. et al.FILING DATE
August 27, 2003GROUP
Unassigned

U.S. PATENT DOCUMENTS

5,855,202	A	Andrade	01/1999
5,856,671	A	Henion et al.	01/1999
5,863,652	A	Matsumura et al.	01/1999
5,869,133	A	Anthony et al.	02/1999
5,870,524	A	Swiatosz	02/1999
5,872,010	A	Karger et al.	02/1999
5,878,752	A	Adams et al.	03/1999
5,881,714	A	Yokoi et al.	03/1999
5,906,202	A	Schuster et al.	05/1999
5,914,122	A	Otterbeck et al.	06/1999
5,932,249	A	Gruber et al.	08/1999
5,932,315	A	Lum et al.	08/1999
5,934,272	A	Lloyd et al.	08/1999
5,934,273	A	Andersson et al.	08/1999
5,944,025	A	Cook et al.	08/1999
5,954,979	A	Counts et al.	09/1999
5,957,124	A	Lloyd et al.	09/1999
5,970,973	A	Gonda et al.	10/1999
5,970,974	A	Van Der Linden et al.	10/1999
5,978,548	A	Holmstrand et al.	11/1999
5,993,633	A	Smith et al.	11/1999
6,014,970	A	Ivri et al.	01/2000
6,053,176	A	Adams et al.	04/2000
6,054,032	A	Haddad et al.	04/2000
6,069,214	A	McCormick et al.	05/2000
6,069,219	A	McCormick et al.	05/2000
6,070,575	A	Gonda et al.	06/2000
6,071,428	A	Granks et al.	06/2000
6,071,554	A	Isomura et al.	06/2000
6,076,522	A	Dwivedi et al.	06/2000
6,077,543	A	Gordon et al.	06/2000
6,080,721	A	Patton	06/2000
6,085,740	A	Ivri et al.	07/2000
6,085,753	A	Gonda et al.	07/2000
6,089,228	A	Smith et al.	07/2000
6,095,153	A	Kessler et al.	08/2000
6,098,615	A	Lloyd et al.	08/2000
6,098,620	A	Lloyd et al.	08/2000
6,103,270	A	Johnson et al.	08/2000
6,116,516	A	Gannan-Calvo	09/2000
6,116,893	A	Peach	09/2000

Substitute for forms 1449A/PTO & 1449B/PTO

ATTORNEY'S DKT NO.
033018-137

APPLICATION NO.

10/648,282

APPLICANT
Gene G. FAISON Jr. et al.FILING DATE
August 27, 2003GROUP
UnassignedFIRST INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

U.S. PATENT DOCUMENTS

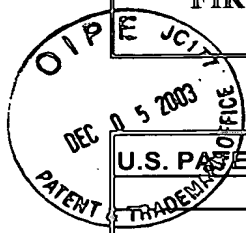
6,119,953	A	Ganan-Calvo et al.	09/2000
6,123,068	A	Lloyd et al.	09/2000
6,123,936	A	Platz et al.	09/2000
6,131,567	A	Gonda et al.	10/2000
6,131,570	A	Schuster et al.	10/2000
6,136,346	A	Eljamal et al.	10/2000
6,138,668	A	Patton et al.	10/2000
6,155,268	A	Takeuchi	12/2000
6,158,431	A	Poole	12/2000
6,158,676	A	Hughes	12/2000
6,159,188	A	Laibovitz et al.	12/2000
6,164,630	A	Birdsell et al.	12/2000
6,165,463	A	Platz et al.	12/2000
6,167,880	B1	Gonda et al.	01/2001
6,174,469	B1	Ganan-Calvo	01/2001
6,182,712	B1	Stout et al.	02/2001
6,187,214	B1	Ganan-Calvo	02/2001
6,187,344	B1	Eljamal et al.	02/2001
6,189,453	B1	Lin	02/2001
6,189,803	B1	Ganan-Calvo	02/2001
6,192,882	B1	Gonda	02/2001
6,197,835	B1	Ganan-Calvo	03/2001
6,205,999	B1	Ivri et al.	03/2001
6,206,242	B1	Amberg et al.	03/2001
6,207,135	B1	Rossling et al.	03/2001
6,233,746	B1	Jewett et al.	05/2001
6,230,706	B1	Gonda et al.	05/2001
6,231,851	B1	Platz et al.	05/2001
6,234,167	B1	Cox et al.	05/2001
6,234,402	B1	Ganan-Calvo	05/2001
6,235,177	B1	Borland et al.	05/2001
6,250,298	B1	Gonda et al.	06/2001
6,257,233	B1	Burr et al.	07/2001
6,258,341	B1	Foster et al.	07/2001
6,263,872	B1	Schuster et al.	07/2001
6,267,155	B1	Parks et al.	07/2001
6,275,650	B1	Lambert	08/2001
6,276,347	B1	Hunt	08/2001
6,284,525	B1	Mathies et al.	09/2001
6,288,360	B1	Beste	09/2001
6,290,685	B1	Insley et al.	09/2001

Substitute for forms 1449A/PTO & 1449B/PTO

ATTORNEY'S DKT NO.
033018-137

APPLICATION NO.

10/648,282

FIRST INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
Gene G. FAISON Jr. et al.FILING DATE
August 27, 2003GROUP
Unassigned

U.S. PATENT DOCUMENTS

	6,294,204	B1	Rossling et al.	09/2001
	6,295,986	B1	Patel et al.	10/2001
	6,318,361	B1	Sosiak	11/2001
	2001/0032647	A1	Schuster et al.	10/2001
	6,640,050	B2	Nichols et al.	10/2003

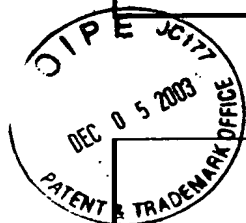
FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation Yes	No
	354004	A	Belgium	09/1928		X
	354094	A	Belgium	09/1928		X
	1036470	B1	Germany	08/1958		X
	0358114	A	EPO	03/1990		
	0642802	A2	EPO	05/1996		
	667979	A	France	10/1929		X
	216121	B	Hungary (Abstract only)	03/1991		
	207457	A	Hungary	04/1993		
	P953409		Hungary (Abstract only)	06/1994		
	168128	B	Hungary (Abstract only)	11/1997		
	94/09842	A	WIPO	05/1994		
	98/17131		WIPO	04/1994		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Barry, P.W. et al. "In Vitro Comparison of the Amount of Salbutamol Available for Inhalation From Different Formulations Used with Different Spacer Devices" Eur Respir J 1997; 10:1345-1348.
	Byron, Peter R. Ph.D., Chairman, "Recommendations of the USP Advisory Panel on Aerosols on the USP General Chapters on Aerosols (601) and Uniformity of Dosage Units (905)", Pharmacopeial Forum, vol. 20, No. 3, pp. 7477-7505, May-Jun. 1994 (023).
	Hindle, Michael et al., "High Efficiency Aerosol Production Using the Capillary Aerosol Generator" PharmSci 1998; 1: (1: suppl) S211.
	Hindle, Michael et al., "High Efficiency Fine Particle Generation Using Novel Condensation Technology", Respiratory Drug Delivery VI (eds Dalby, R.N., Byron, P.R. & Farr, S.J.) Interpharm Press, Buffalo Grove, IL 1998 pp 97-102.
	Hou, Shuguang et al. Solution Stability of Budenonide in Novel Aerosol Formulations Abstract No. 2582, Solid State Physical Pharmacy, Nov. 17, 1998, p. S-307.
	Kousaka, Yasuo et al., "Generation of Aerosol Particles by Boiling of Suspensions", Aerosol Science and Technology, 21:236-240 (1994) (023).
	Moren, Folke "Drug Deposition of Pressurized Inhalation Aerosols I. Influence of Actuator Tube Design" AB Draco (Subsidiary of AB Astra, Sweden) Research and Development Laboratories Pack, S-221 01 Lund (Sweden), International Journal of Pharmaceutics, 1 (1978) 205-212.
	Newman, Stephen P. et al. "Deposition of Pressurized Suspension Aerosols Inhaled Through Extension Devices.supp.1-3 "Am Rev Respir Dis 1981; 124:317-320.

Substitute for forms 1449A/PTO & 1449B/PTO

ATTORNEY'S DKT NO.
033018-137APPLICATION NO.
10/648,282**FIRST INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**APPLICANT
Gene G. FAISON Jr. et al.FILING DATE
August 27, 2003GROUP
Unassigned

Roth, G. et al. High Performance Liquid Chromatographic Determination of Epimers, Impurities, and Content of the Glucocorticoid Budesonide and Preparation of Primary Standard, Journal of Pharmaceutical Sciences, vol. 69, No. 7, pp. 766-770, Jul. 1980.

Notification of Transmittal of the International Search Report or the Declaration dated Feb. 14, 2003 for PCT/US02/28703.

Written Opinion for PCT/US02/28703 dated Jul. 8, 2003.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **SEND TO:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.